



Attorney Docket No.: A-70440/DJB/RMS/DCF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE n re Application of:

CHEE

Serial No. 09/931,285

Filed: August 16, 2001

For:

COMPOSITIONS AND METHODS

FOR REPETITIVE USE OF

GENOMIC DNA

Examiner: NOT YET ASSIGNED

Group Art Unit:

NOT YET ASSIGNED

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Washington, DC 20231 on:

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Signed

Christine P. Peters

INFORMATION DISCLOSURE STATEMENT AND STATEMENT OF RELATEDNESS

Assistant Commissioner for Patents Washington, DC 20231

Sir:

In satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and in accordance with the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicant wishes to draw the attention of the U.S. Patent and Trademark Office to the references cited on the accompanying form PTO-1449. Copies of the documents are enclosed herewith.

With respect to patent applications, the applicants point out their duty under M.P.E.P. §2001.06(b) to disclose relevant patent applications of which they are aware. To this end, the applicants draw the Examiner's attention to the following patent applications:

- 1. U.S.S.N. 09/553,993, filed April 20, 2000; U.S.S.N. 09/556,463, filed April 21, 2000.
 - 2. U.S.S.N. 09/517,945, filed March 3, 2000.

Serial No.: 09/931,285 **Filed**: August 16, 2001

- 3. U.S.S.N. 09/513,362, filed February 25, 2000.
- 4. U.S.S.N. 09/425,633, filed October 22, 1999; U.S.S.N. 09/535,854, filed March 27, 2000.
 - 5. U.S.S.N. 09/779,376, filed February 7, 2001.
 - 6. U.S.S.N. 09/779,202, filed February 7, 2001.
 - 7. U.S.S.N. 09/785,514, filed February 16, 2001.

None of the foregoing references are believed to disclose the invention as claimed.

Nothing herein shall constitute an admission concerning the contents of any of the cited references, nor shall the inclusion of a reference herein be considered an admission that the reference constitutes prior art against the invention claimed in the above-identified application. Submission of the present document shall not be construed as an admission that a search has been made or that better art does not exist.

Serial No.: 09/931,285

Filed: August 16, 2001

This Information Disclosure Statement is being filed within three months of the filing

date of a national application, within three months of the date of entry of a national stage, or

before the mailing date of a first Office Action on the merits. 37 C.F.R. § 1.97(b), and therefor

no fee is required. The Commissioner is authorized to charge any additional fees which may be

required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-

70440/DJB/RMS/DCF).

Respectfully submitted,

FLEHR, HOHBACH, TEST, ALBRITTON & HERBERT

Dated: 000 23, 209

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1065880

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			APPLICANT	First Named Inventor	CHEE			
۸				Group Art Unit	Not Yet Assigned			
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Sheet	1	of	6	Attorney Docket Number	A-70440/DJB/RMS/DCF			

FADEAL				U.S. PATENT DOCU	JMENTS	
Examiner Initials*	Cite No.1	U.S. Patent Do		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document	Pages, Columns, Lines, Where Relevant
Initials*		Number	Kind Code ² (if known)	of Ched Document	MM-DD-YYYY	Passages or Relevant Figures Appear
	1	4,200,110		Peterson et al.	4/1980	
	2	4,499,052		Fulwyler	2/1985	
✓	3	4,682,895		Costello	7/1987	
V	4	4,785,814		Kane	11/1988	
	5	4,822,746		Walt	4/1989	
	6	4,824,789		Yafuso et al.	4/1989	
✓	7	4,999,306		Yafuso et al.	3/1991	
V	8	5,002,867		Macevicz	3/1991	
	9	5,028,545		Soini	7/1991	
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	11	5,114,864		Walt	5/1992	
حبما	12	5,132,242		Cheung	7/1992	
~	13	5,143,853		Walt	9/1992	
\rightarrow \(\text{V} \rightarrow \)	14	5,194,300		Cheung	3/1993	
	15	5,244,636		Walt et al.	9/1993	

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Examiner	Cite No.1	Foreign	Patent Document		Name of Patentee or Applicant	Date of Publication of Cited Document	Pages, Columns, Lines, Where Relevant	
Initials*	2.01	Office ³	Kind Code ² Number ⁴ (if known)		of Cited Document	MM-DD-YYYY	Passages or Relevant Figures Appear	Te
	16	EP	0 269 764	Al	Molecular Biosystems, Inc.	6/1988		
	17	EP	0 392 546	A2	Drmanac et al.	10/1990		
	18	EP	0 478 319	A1	Kabushiki Kaisha Toshiba	4/1992		
	19	EP	0 723 146	A1	SRI International	7/1996		
	20	wo	89/11101	A1	Dynal A.S.	11/1989		
✓	21	WO	93/02360	A1	Transmed Biotech Incorporated	2/1993		
	22	wo	96/03212	Al	Brenner	2/1996		
V	23	wo	97/14028	A2	Luminex Corp.	4/1997		
	24	wo	97/14928	A1	Brint, N.	4/1997		
10	25	wo	97/40385	A1	Seul, M.	10/1997		
	26	WO	98/40726	A1	Trustees of Tufts College	9/1998		

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Considered. Include copy of this form with next communication to applicant.

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INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

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Complete if Known					
Application Number	09/931,285				
Filing Date	August 16, 2001				
First Named Inventor	CHEE				
Group Art Unit	Not Yet Assigned				
Examiner Name	Not Yet Assigned				

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Sheet 2 of 6 Attorney Docket Number A-70440/DJB/RMS/DCF

				U.S. PATENT DOC	UMENTS		
Examiner Initials*	Cite No.1	U.S. Patent I		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document	Pages, Columns, Lines, Where Relevant	
minais		Number		Kind Code ² (if known)	of Cited Document	MM-DD-YYYY	Passages or Relevant Figures Appear
/	27	5,244,813		Walt et al.	9/1993		
/	28	5,250,264		Walt et al.	10/1993		
/	29	5,252,494		Walt	10/1993		
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	36	5,435,724		Goodman et al.	7/1995		
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	41	5,512,490		Walt et al.	4/1996		
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	43	5,565,324		Still et al.	10/1996		

						FOREIGN PATENT DOCUME	NTS		
Examiner Initials*	Cite No.1	Kind Code		Kind Code ² Name of Patentee or Applicant of Cited Document		Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Т6	
	44	wo	98/50782		A 3	Trustees of Tufts College	11/1998		
<u></u>	45	wo	98/53093		A1	Bioarray Solutions LLC	11/1998		
	46	wo	98/53300		A2	Lynx Therapeutics, Inc.	11/1998		
$\overline{}$	47	wo	99/18434		A1	Trustees of Tufts College	4/1999		
	48	wo	99/60170		A1	Hyseq Inc.	11/1999		
	49	wo	99/67414		A1	Glaxo Group Ltd.	12/1999		
V	50	wo	99/67641		A2	Illumina Inc.	12/1999		
V	51	WO	00/04372		A1	Univ. of Texas	1/2000		
$\overline{}$	52	wo	00/13004		A2	Trustees of Tufts College	3/2000		1

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Application Number

First Named Inventor

Filing Date

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INFORMATION DISCLOS STATEMENT BY APPLICANT

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Solomon et al

				U.S. PATENT DOC	UMENTS	
Examiner	Cite No.1	U.S. Patent D		Name of Patentee or Applicant	Date of Publication of Cited Document	Pages, Columns, Lines, Where Relevant
Initials*		Number	Kind Code ² (if known)	of Cited Document	MM-DD-YYYY	Passages or Relevant Figures Appear
V	53	5,573,909		Singer et al.	11/1996	
✓	54	5,575,849		Honda et al.	11/1996	
V	55	5,633,972		Walt et al.	5/1997	
	56	5,639,603		Dower et al.	6/1997	
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	58	5,690,894		Pinkel et al.	11/1997	
	59	5,814,524		Walt	10/1998	
	60	5,840,256		Demers et al.	11/1998	
V	61	5,854,684		Stabile et al.	12/1998	
	62	5,863,708		Zanzucchi et al.	1/1999	
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	64	5,900,481		Lough et al.	5/1999	
V	65	6,023,540		Walt et al.	2/2000	
	66	5,679,524		Nikiforov et al.	10/1997	
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Initials*	140.	No.	No.		, No.	Office ³	Number ⁴	Kind Co		of Cited Document	MM-DD-YYYY	Passages or Relevant Figures Appear	T⁵
	69	wo	00/16101		A2	Trustees of Tufts College	3/2000						
$\overline{}$	70	wo	00/39587		Al	Illumina Inc.	7/2000						
	<i>7</i> 1	wo	00/47996		A2	Illumina Inc.	8/2000						
/	72	wo	00/48000		Al	Illumina Inc.	9/2000						
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	75	wo	00/71995		A2	Illumina Inc.	11/2000						
	76	wo	00/75373		A2	Illumina Inc.	12/2000						
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	of	6	Attorney Docket Number	A-70440/DJB/RMS/DCF

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Initials*		Number	Kind Code ² (if known)	of Cited Document	MM-DD-YYYY	Passages or Relevant Figures Appear
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\checkmark	78	6,051,380		Sosnowski et al.	04/2000	
	79	6,110,678		Weisburg et al.	08/2000	
	80	6,172,218	B1	Brenner	01/2001	·
	81	6,083,763		Balch	07/2000	
	82	5,494,810		Barany et al.	02/1996	
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	86	6,251,639	B1	Kurn	06/2001	
	87	6,268,148	B1	Barany et al.	07/2001	

					FOREIGN PATENT DOCUME	NTS		
Examiner Initials*			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Τ°		
✓	88	wo	98/13523	A1	Pyrose Quencing AB	04/1998		
	89	wo	93/25563	A1	City of Hope	12/1993		
V	90	wo	97/31256	A2	Cornell Research Foundation	08/1997		
	91	wo	00/58516	A2	Whitehead Institute for Biomedical Research	10/2000		
	92	wo	00/71992	A1	Illumina Inc.	11/2000		+
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Sheet	5	of	6	Attorney Docket Number	A-70440/DJB/RMS/DCF

		OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS	т
Examiner Initials*	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
/	93	Abel et al., "Fiber-Optic Evanescent Wave Biosensor for the Detection of Oligonucleotides," Anal. Chem. 68:2905-2912 (1996).	
	94	Anonymous, "Microsphere Selection Guide," Bandg Laboratories, (Fisher, In) September 1998.	$oldsymbol{ol}}}}}}}}}}}}}}}}}$
/	95	Anonymous, "Fluorescent Microspheres," Tech. Note 19, Bang Laboratories, (Fishers, In) February 1997.	
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V	106	Healey et al., "Improved Fiber-Optic Chemical Sensor for Penicillin," Anal. Chem. 67(24):4471-4476 (1995).	
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V	109	Hirschfeld et al., "Laser-Fiber-Optic "Optrode" for Real Time In Vivo Blood Carbon Dioxide Level Monitoring," Journal of Lightwave Technology, LT-5(7):1027-1033 (1987).	
~	110	Iannone et al., "Multiplexed Single Nucleotide Polymorphism Genotyping by Oligonucleotide Ligation and Flow Cytometry," Cytometry, 39:131-140 (2000).	
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Examiner Signature	Date Considered	

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Sheet	6	of	6

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		OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS	\Box
Examiner Initials*	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²
\	111	Michael et al., "Making Sensors out of Disarray: Optical Sensor Microarrays," Proc. SPIE, 3270: 34-41 (1998).	
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